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5TH DISTRICT, MICHIGAN

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**Congress of the United States
House of Representatives**

April 10, 2003

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APR 16 2003

**Federal Communications Commission
Office of the Secretary**

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

I am writing with respect to the Federal Communications Commission's (the "Commission") on-going rulemaking on media ownership. I commend you for your efforts to complete this proceeding by June 2nd of this year.

Respectfully, I expect that, by June 2nd, you and your colleagues will complete the Commission's work in this proceeding. After all, the Commission already has gone to extraordinary lengths to build an extensive and comprehensive public record, upon which the Commission should be able to make its final decisions in this regard.

In October 2001, you created the Commission's Media Ownership Working Group, tasked with developing a solid factual and analytical foundation to review media ownership regulation. In the case of the sorely outmoded Newspaper/Broadcast Cross-Ownership Rule, this proceeding has been languishing well beyond the Commission's most recent NPRM launched in September 2001. In fact, over seven years ago, the Commission expressed its belief that the newspaper/broadcast cross-ownership rule needed to be reviewed, and possibly revised, to reflect marketplace changes, and yet we still wait. In November 2001, the Commission began its rulemaking proceeding on the Local Radio Ownership Rule.

In September 2002, the Commission issued a Biennial Review NPRM in which it sought comment on its four other broadcast ownership rules: (1) the Television-Radio Cross-Ownership Rule; (2) the Dual Network Rule; (3) the Local Television Ownership Rule; and (4) the National Television Ownership Rule. The September NPRM consolidated all three proceedings (i.e., Newspaper/Broadcast Cross-Ownership, Local Radio Ownership, and Biennial Review) into a single Biennial Review for all broadcast ownership rules. As an accommodation to interested parties, the Commission adopted a 60-day comment period and a 30-day reply comment period to refresh the record. I would note that as a further accommodation, the Commission delayed commencement of

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the comment cycle until release of twelve media marketplace studies, which occurred on October 1, 2002. Accordingly, comments initially were due December 2, 2002, and reply comments were due January 2, 2003.

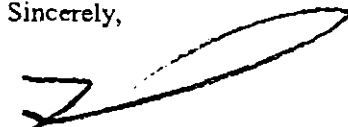
Moreover, subsequent to the October 2002 release of the twelve studies on the current media marketplace, the Commission released an additional data set for the media ownership study and adopted procedures for public access to data underlying the media ownership studies while extending the comment deadline for Biennial Review. Then, in November 2002, in further accommodation of interested parties, the Commission extended the initial comment period through January 2, 2003 and the reply comment period through February 3, 2003.

To date, the Commission has received over 15,000 public comments on this proceeding. In addition, the Commission has held two public field hearings on this proceeding, and various commissioners have participated in several other sessions around the nation on media ownership issues.

Given the extensive public record which the Commission has developed, the level of public participation, and the lengths to which the Commission has gone to examine the current media landscape, I believe that any delay beyond June 2nd in completing this proceeding would be inexcusable. Such delay would reflect extremely poorly on the Commission's ability to adhere to congressionally mandated reviews of matter within the Commission's purview.

Given your testimony at the February hearing before my Subcommittee, I look forward to a timely completion of this proceeding. I sincerely expect all Commissioners to give this congressionally mandated review its attention and work together in meeting the June 2nd deadline you have provided us. Please let me know if this is not the case. Thank you for your attention to this matter.

Sincerely,



Fred Upton
Chairman
House Energy and Commerce
Subcommittee on Telecommunications and
the Internet

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